

Presidentialized Semi-Presidentialism in Taiwan: View of Party Politics and Institutional Norms

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Abstract

This paper looks at the presidentialized semi-presidentialism in Taiwan through the interaction among party politics, the constitutional framework and the electoral systems. In terms of the constitutional system, Taiwan is a semi-presidential regime with a mixed member majoritarian electoral system, and the de facto constitutional operation has been moving toward a presidential system over the past decade. This paper will employ the party system as the mediator because the party system, conditioned by the electoral system, will affect the constitutional operation. Even though a stable party system is in favor of a strong parliament, the concurrent election and the mixed member majority electoral system will result in party presidentialization and even a presidentialized semi-presidentialism.

Keywords: semi-presidentialism; mixed member majoritarian system; party system; Taiwan

Foreword: Literature on Comparative Constitutions

Following the third wave of democratization, research about constitutional design and democratic consolidation has become a heated subject over the past three decades. The initial discussion about constitutional design and democratization has focused on the relative merits of presidentialism and parliamentarism.

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However, after the debate over whether a presidential or parliamentary system is favorable for the survival of democracy, more and more new democracies, including post-Leninist and some postcolonial countries, have designed a semi-presidential (SP) constitution—a system mixing a directly elected president and a government accountable to the parliament.² Since more and more countries have adopted a semi-presidential constitution, SP research has developed rapidly.

Over the past two decades, the research on SP can be classified into two types. The first cluster of literature is about the definition and typology of SP. Maurice Duverger's definition can be deemed the first and most important theory of SP. According to Duverger, a political regime can be considered to be SP if it combines the following three elements: (1) the president of the republic is elected by universal suffrage; (2) the president possesses quite considerable political powers; and (3) the president has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them.³

Based on Duverger's definition, some scholars tried to elaborate on SP in detail or create subtypes. Among the discussions on the subtypes of the SP, Shugart and Carey classified SP as president-parliamentary or premier-presidential according to whether the governments are accountable to both the president and parliament or to the parliament only.⁴ In spite of these different definitions, the dual executive system is the significant characteristic in SP. The second cluster of literature deals with the political operation under different constitutional structures, especially the relationship between the formal power of the president and the party system. Most discussions infer that a semi-presidential regime with a powerful president is detrimental to democratic stability.⁵

² The SP phenomenon was originally confined to Western Europe. Most of these countries were deemed parliamentary regimes such as Austria, Iceland, and Finland after 2000. At present, there are more than 50 countries that have adopted SP.

³ Duverger, M. A New Political System Model: Semi-Presidentialist Government. *European Journal of Political Research*. Vol. 8., No. 2. 1980. P. 166.

⁴ Shugart, M. S. and John M. C. *Presidents and Assemblies*. Cambridge, Cambridge University Press, 1992.

⁵ Roper, S. D. Are All Semipresidential Regimes the Same? *Comparative Politics*. Vol. 34., No. 3. 2002. P. 253-272.

Moreover, the semi-presidential regimes with powerful presidencies are thought to induce conflict between the president and assembly over the government and policy.⁶ Additionally, studies also argue that a fragmentary party system will hurt democratic consolidation.

Among the factors that shape party system, the most important institutional variable is the electoral system. Duverger points out that the electoral system will affect party system in that the simple-majority single-ballot system favours the two party system while the simple-majority system with second ballot and proportional representation favours multi-partism.⁷ This theory is known as "Duverger's Law" or "Duverger's Hypothesis". Besides the type of party system, electoral systems also shape the internal cohesion and discipline of parties. Some systems, such as the single transferable vote (STV), encourage factionalism and intraparty competition, while others, such as list PR, reinforce party discipline.⁸ In terms of political participation, the impact of the electoral system is revealed in disproportionality under different institutions. Some research shows that there is a positive link between political efficacy and voting under electoral systems that translates votes into seats proportionally.⁹ The discussions above show the importance of party discipline and the electoral campaign in affecting the institutionalization of parties. In this regard, they are the key factors when considering the stability of new democracies.

About electoral systems, the mixed system is a hybrid electoral system with elements of the majoritarian system and the proportional representation system. Like SP, mixed system has been adopted by many new democracies, especially post-Leninist countries and a part of countries in East Asia. Most of these new democracies transition into democracy via negotiations and compromise. This is the reason why mixed system and SP would become the result of institutional design.

⁶ Schleiter, P. and Morgan-Jones, E. Russia. In R. Elgie and S. Moestrup eds. *Semi-Presidentialism in Central and Eastern Europe*. New York, Manchester, 2008. P. 159.

⁷ Duverger, M. *Political Parties* (3rd printing). New York, John Wiley & Sons, 1966. P. 217, 239. Scholars' reaction to Duverger's work has been highly polarized. Some argue that Duverger simply mistook the direction of causality; others argue that party systems are determined by the number and type of social cleavages. Even so, electoral system is still deemed the most important institutional variable to affect party politics.

⁸ Bowler, S. *Electoral Systems*. In R. Rhodes, S. Binder and B. Rockman eds. *The Oxford Handbook of Political Institutions*. New York, Oxford University Press, 2006. P. 579.

⁹ Norris, P. *Electoral Engineering*. New York, Cambridge, 2004. P. 161-162

Since mixed system is combining the elements of majoritarianism and proportionality, the impact of the two electoral systems will appear. The actual situation depends on other variables such as districts, threshold of the second ballot, and the seat allocated in these two systems. Electoral systems affect party systems most, and party systems are the most important independent variable affecting constitutional operation.

The discussion above shows that the constitutional system and the electoral institution of a democratic regime can be seen as its flesh and bones—the former defines how political powers are structured and latter decides who exercises these powers. And what should be noticed is that some new democracies design both the mixed forms of their constitutions and electoral systems. In discussing these semi-presidential countries, more and more research is concerned with the constitutional transformation toward the parliamentary system or presidential system. It is just the “presidentialized SP” or the “parliamentarized SP”.

Taiwan has adopted a typical presidentialized SP over the past decade. Based on the literature above, the presidentialized SP is regarded as the dependent variable. Party politics and the president’s constitutional power are defined as the independent variable. In addition, party system in this paper is also defined as the mediator which is affected by the electoral system. The following section will describe some characteristics of SP will first describe some characteristics of SP and electoral systems in Taiwan and then discuss the institutional characteristics of party system and their effects on the constitutional operation.

Constitutional Design and the Operation in Taiwan

Taiwan, like many post-communist countries, has adopted a SP constitution following democratization. Before reaching its present form, the constitution of Taiwan had been adapted after a series of constitutional reforms. At first, President Lee Teng-hui wanted to consolidate his ruling position through a direct election. Thus, since 1996 the president has been elected directly every four years. A year later in 1997, the semi-presidential constitution was amended. According to the amendments, the president can appoint the prime minister without the approval of the parliamentary majority (Additional Art. 3). But, the Legislative Yuan may propose a no-confidence vote against the prime minister.

Nevertheless, the president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the prime minister, declare the dissolution of the Legislative Yuan after consulting with its president (Additional Art. 2). In light of these articles, the Executive Yuan must be responsible to the Legislative Yuan and the president.

Taiwan's SP works in a variety of manners. Government stability is affected by the party system and the relationships among the president, premier, and the parliamentary majority. Skach classified three qualitatively different and electorally generated subtypes within SP. The first is the *consolidated majority government*, in which the president and prime minister enjoy the same majority in the legislature. This is the most suitable subtype for minimizing institutional conflict in a semi-presidential system. The second subtype is the *divided majority government*, in which the prime minister holds the majority while the president does not. The cabinet, led by the prime minister, remains stable because of the support from the majority in the legislature. Constitutional operations are uncertain only when the president wants to use his constitutional power to counterbalance the cabinet's legislative majority. This is referred to as cohabitation within the dual-executive system. The third subtype is the *divided minority government*, and it is the most conflict-ridden subtype because neither the president, nor the prime minister, nor any party or coalition enjoys a substantive majority in the legislature.¹⁰ Theoretically speaking, there should be a fourth subtype, *consolidated minority government*, in which the president and the prime minister belong to the same party but this party is not the majority or a member of the majority coalition in the legislature.

If we focus only on the dual executive system of SP, there will be another classification. SP is a constitutional structure with a dual executive system. The government could be led by the president or the prime minister depending on the parliamentary majority in practice. The legitimacy of the president to lead the government comes from direct election, while the prime minister might lead the government by getting the confidence of a parliamentary majority. Thus, the prime minister might be an agent of the president or the parliament. Therefore, there are four subtypes (as shown in table 1) of composition to discuss: first, the government is led by the president or the prime minister; second, the president and the parliamentary majority have the same or different partisanship.

¹⁰ Skach, C. *Borrowing Constitutional Designs*. Princeton, Princeton University Press, 2005. P. 15-21.

Among the four subtypes, the president is strongest if the government is led by the president and the president also enjoys a clear parliamentary majority. The constitutional operation will be a typical presidentialized SP under this condition.

Table 1. Four types of SP government

		Consistence between the president and parliamentary majority	
		congruence	incongruence
Head of government	President	unified government under a quasi-presidential SP	divided government under a quasi-presidential SP
	Prime Minister	unified government under a quasi-parliamentary SP	cohabitation under a quasi-parliamentary SP

Based on the two classifications, the operation of Taiwan's SP could be divided into three periods. This paper defines Taiwan's first semi-presidential government as a *consolidated majority with a unified government under a quasi-presidential system* after 1997. In the first period after Lee Teng-hui's successful re-election in 1996, the Kuomintang (KMT) controlled both the majority of the Legislative Yuan and the presidency. It was a typical majority stable government with a single party. However, after Chen Shui-bian of the Democratic Progressive Party (DPP) won the presidential election in 2000, and after the DPP won the parliamentary election in 2001, a *consolidated minority with a divided government under a quasi-presidential system* was formed. Even though the DPP was the largest party in the Legislative Yuan in 2001, it held only a minority position. President Chen Shui-bian and all his prime ministers (Tang Fei, Chang Chun-hsiung, Yu Shyi-kun, Frank Hsieh, Su Tseng-chang) never enjoyed a parliamentary majority. Moreover, Chen was the chairman of the DPP during 2002 to 2004 and 2007 to 2008; the DPP was in fact led by President Chen during his two-term presidency from 2000 to 2008. Therefore, the government could be defined as a divided government under a quasi-presidential system during these eight years. At the end of 2007, the KMT won the majority in the Legislative Yuan, and a few months later in March 2008, Ma Ying-jeou of the KMT won the presidential election. Both Ma and the KMT won their respective elections again in 2012. The form of the government since 2008 has once again become a *consolidated majority with unified government under a quasi-presidential system*. In 2009, President Ma was also elected as the chairman of the KMT.

The government was led by President Ma and the constitutional operation was similar to that in a presidential system, just like the period from 1996 to 2000, and the president is the informal but de facto leader of the government.

During the past 15 years, Taiwan has only experienced two of these subtypes. And the constitutional operation was unstable when the *consolidated minority with a divided government under a quasi-presidential system* was formed from 2000 to 2008. Even the Legislative Yuan could pass a no-confidence vote to replace the prime minister and the president could therefore dissolve the Legislative Yuan. In this respect, the president can appoint the prime minister at his/her will and maintain a consolidated executive system. In other words, we can say that the executive system is always led by the president, whether (s)he enjoys a parliamentary majority or not. From the experience of Taiwan, one can see that what makes the president the de facto leader of government is not his or her constitutional power or the congruence with the parliamentary majority but whether (s)he is the party leader or not. Therefore, the constitutional operation could be classified either as a unified government or a divided government under a quasi-presidential system. In SP, the president and the legislature may be rivals trying to ensure the cabinet's compliance with their distinct objective.¹¹ In some countries, such as France, cohabitation will be an outcome when the president does not want to or cannot affect government formation. The president does not want to interfere with government formation when (s)he faces a stand by a stable majority on the opposing side, especially after a new parliamentary election. However, the situation in Taiwan is totally different. The president is the leader of the executive system whether the president's party is the majority or minority in the parliament. Next, this paper will discuss the "presidentialization" under the influence of party system and the electoral system in the following section.

Party System and the Influence of Electoral System

The party system of Taiwan is moving toward a two-party system after reforming to the mixed system from single nontransferable vote (SNTV). The party system originally tended toward a two-plus party system under SNTV. SNTV encourages the candidates to engage in interparty competition, resulting in poor party discipline and a candidate-centered system.

¹¹ Protsyk, O. Troubled Semi-Presidentialism: Stability of the Constitutional System and Cabinet in Ukraine. *Europe-Asia Studies*. Vol. 55., No.7. 2003. P. 1078.

As shown in Lin's comparative research between Taiwan and Japan, both countries had used SNTV for several decades. Lin points out that SNTV gives those elected an incentive to cultivate patron-client networks. Moreover, SNTV generates factionalism and divisions within parties.¹² Under these conditions, it is not easy to form a presidentialized party. However, the situation under mixed system is totally different.

Two of the most significant changes after electoral system reform are party discipline and the effective number of political parties. Firstly, party discipline is becoming stronger under mixed system. In Taiwan, 73 of all 113 legislators are elected by plurality in single-member districts and 34 legislators are elected by party list PR. Only six legislators are still elected by SNTV. According to the impact of electoral systems, party discipline under plurality in single-member districts or under party list PR will be stronger than that under SNTV. Secondly, the effective number of political parties is also reduced with mixed system. Although there are still 34 legislators elected by party list PR, there are 73 elected by plurality in single-member districts, or more than double the former. Based on the actual situation, the effective number of political parties was 3.48 in 2001 and 3.26 in 2004 (with SNTV). And it was 1.75 in 2008 and 2.23 in 2012 (with mixed system). Moreover, there was no single party majority with SNTV in 2001 and 2004, but there was a clear single party majority in 2008 and 2012. The election result from 2001 is shown in table 2.

Table 2: Election Result in Taiwan after 2001

Year Party	2001	2004	2008	2012
	With SNTV		With MMM	
KMT	68	79	81	64
DPP	87	89	27	40
PFP	46	34	1	3
TSU	13	12	0	3
Non-party	0	6	3	2
Other	11	5	1	1
Total	225	225	113	113
ENPP	3.477	3.263	1.749	2.233

¹² Lin, J. W. The Politics of Reform in Japan and Taiwan. In L. Diamond and M. F. Plattner eds., *Electoral Systems and Democracy*. Baltimore, Johns Hopkins, 2006. P. 197.

A two-party system with strong party discipline is only a basic condition but still not enough to form a presidentialized party. There are two other changes favorable for a presidentialized party from electoral system reform. The first one is the localization of legislators and the second is the “coattail effect” with the concurrent election. The localization of legislators under mixed system is significant especially in the 73 single-member districts. The plurality in single-member districts will encourage the parties or candidates to develop based on clan, ethnicity or region, and to have incentives to provide particularistic goods to local constituents.¹³ Besides, the incentive to stress personal appeals comes from the plurality in single-member districts, a kind of candidate ballot.¹⁴ Politicians have a strong incentive to offer particularistic benefits, exemplified by casework helping individual constituents and by the delivery of local services (pork), designed to strengthen their personal support within local communities. Based on the actual data, among 139 candidates, there were 103 (more than 74.1%) who were nominated by the KMT or DPP and proposed electoral programs which benefit their constituents. And more than 36.7% of candidates proposed programs which benefit their constituents more than 30% in their entire electoral platforms.

The second influence is the “coattail effect” with the concurrent election. The research on the experience of the presidential systems shows that the timing of presidential and legislative elections will affect the relationship between the president, party, and legislators. Generally speaking, the timing of these elections directly affects the legislative partisan composition primarily through the presence or absence of presidential coattails bringing into office a legislature whose members (when the elections are concurrent) are more likely to be of the president’s party than is the case when the legislative elections are held separately from the executive contest (Jones, 1995: 103). In a presidential or semi-presidential system with a strong president, the presidential election is considered the most important in the state. When presidential and legislative elections are held at the same time, the presidential candidates often lead members of the electorate to vote for members of his/her party. This situation is especially apparent when the legislative is elected by the majoritarian rule.

¹³ Thames, F. C. and Martin, S. E. Differentiating Mixed-Member Electoral Systems. *Comparative Political Studies*. Vol. 39., No. 7. 2006. P. 922.

¹⁴ Norris, P. *Electoral Engineering*. P. 134.

The institutional power of the president is usually regarded as an important variable to affect constitutional operation. In general, stronger presidents will lead to an unstable cabinet and affect the efficacy of democracy.¹⁵ But what warrants further investigation is whether a president might be stronger not because of any formal power, but because of his or her informal power. In a system with mature party politics, the informal power of the president usually derives from his/her party. To sum up, two critical changes under the mixed system and the concurrent election favor a presidentialized party. First, a strict party discipline is stronger from SNTV to mixed system, and the party's will is more easily carried out in the Legislative Yuan. Second, the legislators under mixed system pay much more attention to local issues, which is not conducive to a strong parliament with a national vision.

Conclusion

Based on the discussions above, the presidentialization of SP in Taiwan can be highlighted by the following points. First, institutional conditions provide the president but not the parliament with a dominant position to lead the government. The executive system is always led by the president whether or not the president enjoys a majority in parliament. It mainly comes from the institutional norms. All nine prime ministers after 1997 have been appointed by the president without the agreement of the parliament. The president's greatest authority, however, does not reside in his own powers, but in his ability to appoint and dismiss the prime minister at will.¹⁶ Therefore, it established an important constitutional convention that the president is in fact the leader of the executive system.

Second, the party system in Taiwan is more and more favorable for a presidentialized party. Generally speaking, the president can certainly affect the government's formation if (s)he possesses constitutional power to appoint or remove ministers. Even if the president does not possess these powers, (s)he can still acquire informal political influence if the president and parliamentary majority come from the same party and the president is the *de facto* head of his or her party (Samuels and Shugart, 2010: 43). Therefore, the critical point from which to consider this question is who the *de facto* head of this party is. Although the president is the head of state, (s)he might not be the head of the ruling party.

¹⁵ Roper, S. D. Are All Semipresidential Regimes the Same? P. 265.

¹⁶ Wu, Y. S. Semi-presidentialism in Taiwan. In R. Elgie and S. Moestrup eds. *Semi-Presidentialism outside Europe*. New York, Routledge, 2007. P. 207.

Therefore, if the president is not the party leader, (s)he will only hold a ceremonial role or be a figurehead instead of the head of government. Alternatively, the prime minister will be the head of government if (s)he is the de facto head of the ruling party even when the president and the parliamentary majority are in congruence. In a representative democracy, parties occupy a prominent position in a chain of delegated authority.¹⁷ If the ruling party is personalized and controlled by the president, the constitutional order will become similar to the presidential system. By contrast, if the president is separated from the party, he or she will have no authority to dismiss the prime minister. In Taiwan, a presidentialized party is established after electoral system reform and a concurrent election. The president is in fact the party leader, which is also a necessary condition for a presidentialized semi-presidentialism.

The essence of SP lies in the idea that the government might be led by the president, whose legitimacy is from the direct election, or led by the prime minister, whose legitimacy comes from the support of parliament. In terms of a political agent, the prime minister is the hub of competition between the president and the parliament. If president could appoint and replace the prime minister and dissolve the parliament at his will the prime minister will be president's agent. On the contrary, the prime minister will be parliament's agent if the president could not dissolve parliament and the prime minister is appointed in fact by the parliament. Obviously, a presidentialized SP is easy to set up if the prime minister is president's agent.

This paper discusses the presidentialized SP in Taiwan. From an institutional point of view, the executive system is always consolidated even if the president does not enjoy a stable majority in the Legislative Yuan. In terms of party politics, the presidentialized party with stronger party discipline is also stable. The president is in fact the party leader. As Samuels and Shugart point out, the separately elected president is important for the things that parties care about, and then parties will become presidentialized, no matter whether the system is pure or SP. It is clear that constitutional order in Taiwan will continue to be a presidentialized SP in the near future.

¹⁷ Samuels, D. J. and M. S. Shugart. *Presidents, Parties, Prime Ministers*. New York, Cambridge University Press, 2010. P. 219.